



**Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, June 26, 2014**

University Plaza Waterfront Hotel - Ballroom  
110 West Fremont Street, Stockton, CA 95202

**ADMINISTRATIVE AGENDA**

**1. Call to Order/Flag Salute.**

Chair Ruhstaller called the meeting to order at 5:33 p.m. and initiated the flag salute.

**2. Roll Call**

Present: Chair Ruhstaller, Vice-Chair Piepho, Commissioners Ferguson, Ferrara, Nottoli, Richardson, Schubert, Scriven, Thomson, van Loben Sels, and Villegas. A quorum was established with eleven Commissioners present.

Commissioner White arrived at 5:39 p.m.

Ex-Officio Member Assemblyman Jim Frazier arrived at 5:57 p.m.

Absent (with no Alternate Commissioner present): Commissioners Bugsch, Cabaldon, and Miller.

**3. Welcome and Public Comment. Opportunity for the Public to Address the Commission Regarding Items Not on the Agenda**

Chair Ruhstaller welcomed the other members of the Commission, staff, and the audience members. He asked for any public comments and there were none.

**CONSENT AGENDA**

**4. Approval of May 22, 2014 Meeting Minutes**

It was moved by Commissioner Piepho and seconded by Commissioner Ferguson to approve the May 22, 2014 Minutes; in a voice vote, all present voted Aye, with Commissioner Thomson abstaining due to his absence at that meeting.

## **REGULAR AGENDA**

### **5. Receive Executive Director report**

Mr. Vink first acknowledged and welcomed Remy Goldsmith from Senator DeSaulnier's office.

He updated the Commission on progress with the Delta Heritage Area Initiative (DelHAI) and the Delta branding efforts, including the debate over whether to include Sacramento – San Joaquin Delta or California Delta on the brand logo. An online public response survey attracted both media attention and over 1,000 survey responses, with "Sacramento – San Joaquin Delta" preferred by 72% of the respondents. The Commission and Conservancy team will conduct an additional survey to seek input on the final logo designs, and will then make a final logo selection that will be presented at the next Commission meeting.

Mr. Vink reported that the Department of Water Resources (DWR) has announced there will be no drought barriers installed this year, and that the Department will be preparing a Drought Contingency Plan to be in effect for the next 5 to 10 years and could include the installation of drought barriers under certain conditions.

He gave a brief staff update and indicated that hiring for the Planner position vacated by Alex Westhoff was nearing completion, and that interviews for the Program Manager I position were being conducted; it is anticipated that both positions should be filled by July.

Mr. Vink provided background information regarding the Commission's Strategic Planning efforts, and explained the next step would be seeking input from Commissioners and the public on the vision, themes, goals, and objectives. He expected a draft strategic plan would be presented at the November Commission meeting.

He gave an update on the Commission's FY 2014-2015 budget of \$1.356 million that was approved by the Legislature and Governor. This is a slight increase over the FY 2013-2014 budget to provide funding for the update of the Commission's Land Use and Resource Management Plan.

Chair Ruhstaller asked for any public comment and there was none.

### **6. Receive report on Clarksburg Japanese Language School (Gakuen) visioning workshop – Jill Shiraki, Preserving California's Japantowns**

Mr. Vink provided background information on grants received by the Commission and the partnership with the Delta Conservancy on the Gakuen project. He introduced Jill Shiraki from Preserving California's Japantowns to present on the visioning workshop.

Ms. Shiraki described the workshop discussions, including history of the Gakuen, current ownership, and prior preservation efforts. She detailed the next steps in the effort, including preparing a nomination for the National Registry for Historic Places and completing a report on the visioning workshop. She thanked Mark Wilson of Clarksburg for providing lunch to the workshop participants.

Commissioner Villegas commended Ms. Shiraki for her effort, vision, and tenacity in bringing this project back to life.

Commissioner Nottoli inquired about her comment on the status of Walnut Grove businesses. Ms. Shiraki clarified that many of the storefronts in the Japanese historic district were closed up although many residents still live there.

Commissioner Ferrara asked how the National Heritage Area (NHA) process dovetailed into this project. Mr. Vink answered that the Gakuen could be a partner site of the proposed NHA and that an NHA designation would provide opportunities for funding next steps.

**7. Consider approval of draft Bay Delta Conservation Plan (BDCP) comment letter**

Mr. Vink recapped the BDCP water intake simulations completed by the Commission and presented at the May 22, 2014 Commission meeting. As a result of concerns expressed by the Department of Water Resources (DWR) about the accuracy of those depictions, DWR completed their own renderings of the proposed tunnel intake construction. Mr. Vink introduced DWR Principal Engineer Gordon Enas, who presented the DWR renderings.

Commissioner Nottoli asked if the intake protrudes less into the river because it is placed back on land more to maximize the volume intake and Mr. Enas confirmed that is was, and also to get the best placement for the fish screen.

Chair Ruhstaller asked if the BDCP intake would be 3-4 times larger than the Freeport Diversion intake, and Mr. Enas confirmed that it would.

Commissioner Nottoli asked how the actual screen size in the river compared to the Freeport one, to which Mr. Enas replied that it was, in fact, the exact same size screen.

Mr. Enas addressed the relocation of Highway 160, stating that it would be temporarily moved during some of the construction, but then it would be largely returned to its original location.

Vice-Chair Piepho asked at what point of the timeframe of the construction plan was the highway to be returned to its original location. Mr. Enas replied that it is estimated to be 2-3 years into the approximately five year construction plan. Vice-Chair Piepho also asked if Mr. Enas was aware of any other project of this scale done in California; Mr. Enas replied that there was no comparable tunneling project. She also asked if the construction timeframes could be uncertain. Mr. Enas responded that he felt confident with their timeframe. Vice-Chair Piepho pointed out that the impacts to these communities were very uncertain.

Commissioner Nottoli asked if the point of DWR's simulations were to be supplemental to the Commission's or as a more accurate depiction. Mr. Enas stated that the Commission's depictions were inaccurate as far as the scale of the intakes into the water. Commissioner Nottoli asked if the realigned Highway 160 would be put back to the existing levee road and Mr. Enas replied that it would not be returned to the exact location as they would have to remove the levee during construction, but that the highway through the water intake stretch would be rebuilt about 1200 feet back from the existing location. Commissioner Nottoli also asked about DWR's confidence in the soil types that would be tunneled through since most Delta landowners denied access for soil sampling. Mr. Enas replied that the samples DWR obtained did not vary much in composition, and that there is additional geotechnical work that needs to be completed.

Assemblyman Frazier stated that a comment relayed at the Capitol hearing on the BDCP tunnel plan indicated that the Washington State Department of Transportation expressed regret over their massive tunneling project, and recommended that DWR speak to the Washington team about their challenges and concerns.

Commissioner Scriven asked why a modern fish screen could not be installed at the pumping plant in Tracy. Mr. Enas responded that they have looked at that option, but that the location of the south Delta pumps does not allow for sweeping velocity required to allow fish to pass by the intakes. Commissioner Scriven questioned the cost of the tunnels compared to the cost of a modified screen at the Tracy location. Mr. Enas answered that they could install the screen at Tracy, but that the reverse flow conditions would cause impacts especially damaging to salmon, and that the fishery agencies had objected to the idea.

Commissioner Ferguson asked about the depth of bedrock in the Delta; Mr. Enas replied that DWR is not sure. Commissioner Ferguson asked whether soils in the Delta would liquefy during a large earthquake event; Mr. Enas replied that there is no loose sand in the area of the tunnels and that liquefaction would not be an issue.

Commissioner Nottoli commented on the criticism from DWR that the Commission received for the simulations, but that there was no one else doing it. He felt DWR could more easily produce simulations to better inform the public.

Mr. Vink thanked Mr. Enas for his presentation. He noted that the Commission based its depiction on the BDCP document, especially the extent of the incursion of the water intake into the Sacramento River. He stated that he was glad that DWR is now estimating a lesser incursion into the river channel, but that he still stands by the Commission's interpretation.

Mr. Vink reviewed the actions and efforts of the Commission to date regarding the BDCP. He summarized the changes that were made to the comment letter since the May 22 meeting, noted who would be copied on the letter, and stated that the revised matrix would accompany the letter.

Chair Ruhstaller asked for any comments from Commissioners.

Vice-Chair Piepho and Commissioners Nottoli, Ferguson and Richardson gave their comments and suggestions regarding the BDCP comment letter.

Commissioner White requested a statement be included that state agency representatives abstained from this action and the letter in no way implies a recommendation or position from the Governor. She stated she would then feel comfortable abstaining from a vote to approve the BDCP comment letter instead of voting against it.

Commissioner Ferrara stated that he appreciated Commissioner White's comments and agreed that it was needed. He also suggested copying Chuck Bonham, Director of the Department of Fish and Wildlife, as they are a permitting agency. Commissioner Schubert agreed with Commissioner White's comments.

Commissioners Thomson and Villegas gave their comments and suggestions regarding the BDCP comment letter.

Assemblyman Frazier, Commissioner Nottoli, Vice-Chair Piepho provided additional comments and suggestions.

Chair Ruhstaller asked for public comments.

Russell van Loben Sels, representing the Delta Caucus consisting of the Farm Bureaus from the five Delta counties, offered his comments and suggestions regarding the BDCP comment letter.

Jack Michael, past president of Recreational Boaters of California (RBOC), provided comments as well as an update on his organization's progress on a comment letter.

Barbara Daly, a Delta resident, thanked the Commission for the time and effort on the comment letter and in protecting the Delta. David Dixon, a Delta resident, and Mark Wilson, a Clarksburg farmer, provided their thoughts on the BDCP comment letter.

It was moved by Commissioner Thomson and seconded by Commissioner Richardson to approve the BDCP comment letter with minor edits as discussed, and for Commission staff to finalize it with the Chair and Vice-Chair. In a roll call vote, the motion carried 9-3 with Chair Ruhstaller, Vice-Chair Piepho, Commissioners Ferguson, Nottoli, Richardson, Scriven, Thomson, van Loben Sels, and Villegas voting aye, no Commissioners voting nay, and Commissioners Ferrara, Schubert, and White abstaining.

**8. Commissioner comments/announcements**

Chair Ruhstaller asked for any Commissioner Comments.

Commissioner Ferrara reminded the Commission and members of the public that the BDCP public comment period will end on July 29, 2014.

Chair Ruhstaller announced his and Vice-Chair Piepho's efforts on the aquatic invasive weeds project and the USDA grant received. He also announced that the July Commission meeting is cancelled and that the Commission will meet again at the regularly scheduled September 25, 2014 meeting in Discovery Bay. He asked that Commissioners send any requests or suggestion for agenda items to Mr. Vink.

**9. Adjourn**

Chair Ruhstaller adjourned the meeting at 7:56 p.m.